

By-law No. 1999-05
of the Dakota Tipi First Nation Band
A By-law for the Removal and Punishment of Persons
Trespassing or Frequenting the Reserve for
Prohibited Purposes

WHEREAS the Council of the Dakota Tipi First Nation Band desires to establish a by-law to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

AND WHEREAS the Council of the Dakota Tipi First Nation Band is empowered to make such by-law, and any matter ancillary thereto pursuant to paragraphs 81(1)(p), (q) and (r) of the Indian Act;

AND WHEREAS it is deemed to be expedient and necessary, for the benefit, comfort and safety of the inhabitants of the Dakota Tipi Indian reserve, to provide for the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;

AND WHEREAS the Council of the Band did enact By-law No. 1-77 on the 17th day of November, 1977, and wishes to repeal the said By-law No. 1-77 and replace it with this by-law;

NOW THEREFORE the Council of the Dakota Tipi First Nation Band hereby makes the following by-law:

Short title

1. This by-law may be cited as "*Dakota Tipi First Nation Removal of Trespassers By-law*".

Interpretation

2. In this by-law

"*Council*" means the Council of the Dakota Tipi First Nation Band as defined in the Indian Act;

"*Minister*" means the Minister of Indian Affairs and Northern Development;

"*officer*" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and any person

appointed by the Council for the purpose of maintaining law and order on the reserve;

"*reserve*" means the reserve of the Dakota Tipi First Nation Band and includes the Dakota Tipi First Nation Band's Reserve No. 1;

"*trespass*" means the entry onto, or the presence on, the reserve by a person without lawful justification.

Prohibited Purposes

3. (1) A person, other than a person referred to in subsection (2), who conducts on the reserve any of the following activities, namely:
- (a) hunting, fishing or trapping;
 - (b) hawking or peddling of wares or merchandise;
 - (c) loitering;
 - (d) soliciting financial assistance; or
 - (e) continues to remain on the reserve in spite of written notice by Chief and Council, that they are not authorized to frequent or visit the reserve and that they must vacate the reserve within 24 hours of written notice;

shall be deemed to be frequenting the reserve for a prohibited purpose.

- (2) Subsection (1) does not apply to

- (a) a person who is a lawful resident of the reserve; or
- (b) a person who, under a by-law of the Council, holds a valid licence to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

- 4.(1) An officer may order any person who trespasses on the reserve or who frequents the reserve for a prohibited purpose to leave the reserve immediately.
- (2) Where a person who has been ordered to leave the reserve fails or refuses to do so, an officer may take such reasonable measures as may be necessary to remove the person from the reserve.
- (3) A person who fails or refuses to comply with an order made under subsection (1) to leave the reserve, or shall resist or interfere with an officer acting under subsection (2) commits an offence.

appointed by the Council for the purpose of maintaining law and order on the reserve;

"*reserve*" means the reserve of the Dakota Tipi First Nation Band and includes the Dakota Tipi First Nation Band's Reserve No. 1;

"*trespass*" means the entry onto, or the presence on, the reserve by a person without lawful justification.

Prohibited Purposes

3. (1) A person, other than a person referred to in subsection (2), who conducts on the reserve any of the following activities, namely:
- (a) hunting, fishing or trapping;
 - (b) hawking or peddling of wares or merchandise;
 - (c) loitering;
 - (d) soliciting financial assistance; or
 - (e) continues to remain on the reserve in spite of the fact that their welcome or invitation has expired and in spite of written notice by Chief and Council, that they are not authorized to frequent or visit the reserve and that they must vacate the reserve within 24 hours of written notice;

shall be deemed to be frequenting the reserve for a prohibited purpose.

- (2) Subsection (1) does not apply to

- (a) a person who is a lawful resident of the reserve; or
- (b) a person who, under a by-law of the Council, holds a valid licence to conduct any activity referred to therein or is otherwise permitted to conduct that activity.

- 4.(1) An officer may order any person who trespasses on the reserve or who frequents the reserve for a prohibited purpose to leave the reserve immediately.
- (2) Where a person who has been ordered to leave the reserve fails or refuses to do so, an officer may take such reasonable measures as may be necessary to remove the person from the reserve.
- (3) A person who fails or refuses to comply with an order made under subsection (1) to leave the reserve, or shall resist or interfere with an officer acting under subsection (2) commits an offence.

Penalty

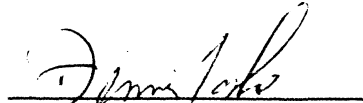
5. A person who violates any provision of this by-law commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty days, or to both.

Repeal

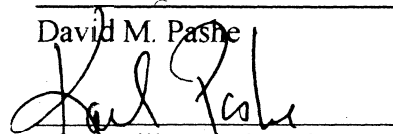
6. By-law No.1-77 enacted on the 17th day of November, 1977, and being a By-law to regulate the removal of people frequenting the reserve for prohibited purposes, be and the same is hereby repealed.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Band Council of the Dakota Tipi First Nation Band this 8th day of June, 1999.

Voting in favour of the by-law are the following members of the Council:


Chief Dennis Pashe

Councillor

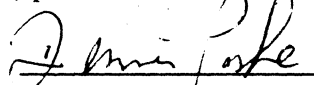
David M. Pashe

Councillor Karl Pashe

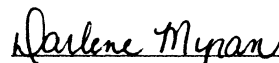
being the majority of those members of the Band Council of the Dakota Tipi First Nation Band present at the aforesaid meeting of the council.

The quorum of the Band Council is 2 members.

Number of members of the Band Council present at the meeting: 2

I, Dennis Pashe Chief/Councillor of the Dakota Tipi Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/ Regional/Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 8th day of June, 1999


(Chief/Councillor)


(Witness)